

REMARKS

This divisional patent application cancels claims 1-45 of the original specification filed in 1994, and adds new claims 46 – 51.

Claims 46 –51 are copied in whole or in part from claims 2-4 and 9-10 of US Patent 6,427,081 issued July 30, 2002 in the names of Burbank et al and having a priority date on its face of February 2, 1999.

Support for the added claims is found in the specification and drawings filed in September 16, 1994. For instance, but without limitation:

Support for Claim 46 and 51 can be found at page 23, lines 4-6, which teaches a marker can be made of a biodegradable material visible using an imaging system; page 3, lines 12-16 (disclosing known imaging systems including x-ray, MRI, ultrasound); page 6, lines 6-7 (markers should be easily detected using state of the art imaging techniques); page 15, lines 6-9 (marker is thereby permanently secured to locate the lesion site for future examination by known imaging methods); page 22, lines 4-6 (embodiment can be used with a stereotactic or other guidance system such as ultrasound); Page 22, lines 20-28 (materials which are highly visible by mammographic imaging...during subsequent imaging, denote location of previous biopsy.)

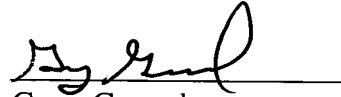
It is respectfully urged that a mass of a biodegradable material, such as a biodegradable polymer, would not interfere with imaging after a predetermined period of time.

Support for Claim 47 with respect to clearing is found at page 23, lines 4-6, which teach marker can be made from a biodegradable material. It is respectfully urged that a biodegradable material, such as a biodegradable polymer, would clear from a site.

Support for Claims 48 and 49 found at page 5, lines 6-7 (which discloses difficulty of detecting certain stains by fluoroscopy); page 3, lines 12-16 (disclosing known imaging systems including x-ray, MRI, ultrasound); page 22, lines 20-28 (materials which are highly visable by mammographic imaging).

The Examiner is respectfully requested to consider the claims added by amendment in this divisional application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gerry Gressel', is written over a horizontal line.

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